IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 736 of 2005

Between:

1. Sri S. Khader Basha, S/o Chota Saheb, aged 46 years,

OCC: Agriculture, residing at Varadaiahpalem

Village and Mandal, Chittoor District.

2. Sri Ahammad Basha S/o Syed Ahamad, aged about

47 years, OCC: Agriculture, residing at Varadaiahpalem

village and Mandal, Chittoor District.

3. Sri Wahid Basha S/o Masthan Saheb, aged about 36

Years, OCC: Agriculture, residing at Varadaiahpalem village

And Mandal, Chittoor District.

4. Sri B. Mohana Murali S/o Gururathanam, aged about 43 years,

OCC: Agriculture, residing at Varadaiahpalem village and

Mandal, Chittoor District

5. Smt. B. Padmavathamma, W/o Venkata Krishnaiah, aged

about 42 years, OCC: Agriculture, residing at Varadaiahpalem village and Mandal, Chittoor District

6. Sri Vetti Venkatesu S/o Vemulaiah, aged 44 years, OCC: Agril.

residing at Varadaiahpalem village and Mandal, Chittoor District

7. Sri Akasi Munaiah S/o Bala Krishnaiah, aged about 40 years,

OCC: Agriculture, residing at Varadaiahpalem village and

Mandal, Chittoor District

8. Smt Manna Rita W/o Vasu aged about 35 years, OCC: Agril.

residing at Varadaiahpalem village and Mandal, Chittoor District

9. Sri Palachuru Thirupalu, S/o Gangaiah, aged 45 years,

OCC: Agriculture, residing at Varadaiahpalem village and

Mandal, Chittoor District.

... PETITIONERS

AND

1. The District Collector, Chittoor District.

2. The Joint Collector, Chittoor District at Chittoor Town and

District.

3. The Revenue Divisional Officer, Tirupathi, Chittoor District.

4. The Mandal Revenue Officer, Vardaiahpalem Mandal,

Chittoor District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in issuing the proceedings No. Rc/278/2004 dated 29-12-2004 in canceling DKT pattas issued in favour of the Petitioners herein as illegal, arbitrary, high handed one and unconstitutional and set aside the same.

Counsel for the Petitioner: MR.B.NARAYANA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader

for Revenue, and with their consent, the writ petition itself is disposed of at the stage of admission.

2. As against the impugned order dated 29-12-2004 passed by the fourth respondent-Mandal Revenue Officer, it is submitted by the learned Government Pleader for Revenue, and admitted to by the learned counsel for the petitioners that an effective alternative remedy by way of appeal is available before the third respondent-Revenue Divisional Officer under Section 4-A of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

If that be so, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioners are at liberty to avail the remedy of appeal against the impugned order, as available to them under
Section 4-A of the Act, by filing an appeal, together with an application for stay, before the third respondent-Revenue Divisional Officer, within a period of four weeks from today, and on filing such appeal, the third respondent-Revenue Divisional Officer, shall either dispose of the appeal or the interlocutory application, and till appropriate orders are passed on the interlocutory application, status quo obtaining as on today shall be maintained by the parties.

The writ petition is accordingly disposed of. No costs.

N.V. RAMANA, J

January 25, 2005

MRR / NSR

COPY TO:

1. The District Collector, Chittoor District.

2. The Joint Collector, Chittoor District at Chittoor Town and District.

3. The Revenue Divisional Officer, Tirupathi, Chittoor District.

4. The Mandal Revenue Officer, Vardaiahpalem Mandal,

Chittoor District.

5. Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

6. Two C.D. Copies.